

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in sections 8(b)(1) (C), (D), (E), (F), (G), (I), (J), 14, and 20 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1) (C), (D), (E), (F), (G), (I), (J) and 50-319 (2009 Repl.), and D.C. Official Code § 50-313 (2009 Repl.; 2012 Supp.); D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Supp.)); section 12 of the 1919 District of Columbia Taxicab Act, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371 (2009 Repl.)); and section 6052 of the District of Columbia Taxicab Commission Fund Amendment Act of 2012 (“Commission Fund Amendment Act”), effective _____, 2012 (amending D.C. Official Code § 50-320(a) (____)), hereby gives notice of emergency and proposed rulemaking action taken on _____, 2013, to amend Chapter 6 (Taxicab Parts and Equipment), of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

This Emergency Rulemaking is necessary to protect the public safety and welfare of the residents of and visitors to the District of Columbia. This rulemaking will establish a regulatory framework for the collection of a fee expected to aggregate at least \$1 million in fiscal year 2013 and each fiscal year thereafter in the form of a passenger surcharge for each ride in a taxicab, as authorized by the Commission Fund Amendment Act. The regulatory framework will allow the industry to collect the surcharge using any modern taximeter system approved by the Commission that allows the use of payment cards inside the taxicab and meets other common requirements for the equipment, service, and support. This emergency rulemaking was adopted on January __, 2013, took effect immediately, and will remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring on _____, 2013 or upon earlier amendment or repeal by the Commission or publication of final rulemaking in the *D.C. Register*, whichever occurs first.

The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

A new Section 604, MODERN TAXIMETER SYSTEM, is added to read as follows:

604.1 Implementation of Modern Taximeter System (“MTS”) in All Taxicabs

Effective March 30, 2013 (“Implementation Date”):

- (a) each licensed taxicab in the District of Columbia shall be equipped with and operated only through the use of a Commission-approved MTS installed by an Authorized MTS Installation Business;

- (b) each taxicab company, association, fleet, and independent operator in the District of Columbia shall have an Commission-approved MTS installed by an Authorized MTS Installation Business in each of its vehicles; and
- (c) any vehicle permitted by this Title to be put into service shall be equipped with a Commission-approved MTS installed by an Authorized MTS Installation Business.

- 604.2 Beginning on the Implementation Date, any taxicab not equipped with a Commission-approved MTS used for every trip to process fares and collect the Passenger Surcharge shall be in violation of this Section, and shall be subject to the penalties prescribed in Subsection 604.18, including impoundment pursuant to the provisions of the Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992, effective March 16, 1993 (D.C. Law 9-199; D.C. Official Code § 50-331) (2011 Supp.).
- 604.3 An MTS shall pair equipment meeting the Equipment Requirements of Subsection 604.13 with the services of a single Payment Service Provider (“PSP”) that meets the Service and Support Requirements of Subsection 604.14. An authorized representative of a PSP may submit an application for approval of one or more proposed MTS(s) under the Review Process of Subsection 604.15. The Commission shall review and test each MTS, and issue its approval where the PSP demonstrates to the satisfaction of the Commission that the MTS meets all the requirements of Subsections 604.13, 604.14, and 604.15.
- 604.4 A person providing another service to the public vehicle-for-hire industry, such as a digital or central dispatch service, may operate a PSP in compliance with all the requirements of this Title.
- 604.5 A “central dispatch service” is a service that connects passengers to taxicabs by telephone, radio, or other non-digital means.
- 604.6 All costs associated with an MTS, including the costs of installation, operation, repair, lease, modification, integration with the taximeter, service and support of the PSP, maintenance, upgrade, improvement, and all other related costs thereof, shall be the responsibility of the owner or operator, as may be allocated by any existing written agreement not inconsistent with this Title, but may be paid in whole or in part by the PSP, by a taxicab company, association, or fleet, or by any other person.
- 604.7 The “Passenger Surcharge” means a fifty-cent (\$.50) per trip surcharge required to be collected and remitted to the Commission for each and every trip in a District of Columbia taxicab.

- 604.8 A “Surcharge Account” is an account established and maintained by the PSP with the Commission for the purpose of processing the Passenger Surcharge.
- 604.9 A “Cashless Payment” means a payment by a payment card (a credit or debit card including but not limited to MasterCard, VISA, American Express, and Discover), presented by the passenger to the vehicle operator at the end of the trip, without the necessity of establishing an account with the PSP, without regard to whether the PSP also offers other forms of non-cash payment, such as a near field device or the use of a payment card or Personal Identification Number to pay via a mobile- or Web-based application.
- 604.10 A “PVIN” or Public Vehicle-for-hire Identification Number is a unique number assigned by the Commission to each public vehicle-for-hire.
- 604.11 “Associated” connotes a voluntary relationship of employment, contract, ownership, or other legal affiliation. For purposes of this Section, an association not in writing shall be ineffective for compliance purposes.
- 604.12 In the event of a conflict between a provision of this Section, and any other provision of this Title or law applicable to public vehicles-for-hire, including any penalty provision, the more strict provision shall control.
- 604.13 Equipment Requirements
- An MTS shall incorporate any reasonable combination of modern, fixed or mobile, hardware technology components, such as a Bluetooth-enabled Smartphone, mobile data terminal, or tablet, with an attached or integrated credit card reader, that either links to an existing taximeter or replaces it, and shall:
- (a) allow the PSP to validate the operator in real-time through a password unique to each operator, as required by Subsection 604.14(i)(i);
 - (b) collect, and allow the PSP to anonymously report to the Commission, all the electronic trip data for each trip, as required by Subsection 604(i)(ii);
 - (c) allow the PSP to process the Passenger Surcharge for each trip, regardless of the form of payment, as required by Subsection 604(i)(iii);
 - (d) allow the PSP to process a Cashless Payment, a cash payment, and any other type of non-cash payment that the PSP may choose to offer;
 - (e) display text messages from the Commission and only permit responses when the vehicle is stationary and only via pre-programmed responses;
 - (f) integrate with or replace the taximeter;

- (g) use a wireless 3G or better cellular data connection;
- (h) use a high-sensitivity Global Positioning Satellite (“GPS”) receiver with 48 channels of parallel tracking;
- (i) record all trips made by the vehicle;
- (j) print paper receipts and, if the passenger chooses, allow the operator to trigger the sending of an electronic receipt via email or SMS text service no later than when the passenger exits the vehicle containing at least: date and time; mileage of trip; trip number; PVIN; operator license (Face Card) number; itemization of the fare, including tolls, surcharges, additional charges; gratuity; and number of passengers;
- (k) not store or allow the operator to access the passenger’s payment information after receiving authorization for the payment;
- (l) have only once physical access-point to the taximeter if it uses a wired connection and allows only one wireless device to be paired to the taximeter if it uses a Bluetooth connection;
- (m) not incorporate or connect to any display, fixed or mobile, that is intended to be viewed by passengers and that provides advertising, promotion of the MTS or PSP, public service announcements, or similar information, but shall be upgradeable to incorporate and connect to such technology without significant modification or cost;
- (n) meet OWASP security guidelines, and complies with current standards issued by the Payment Card Industry Security Standards Council (“Council”) for payment card data security and with the requirements of Section 508 of the Rehabilitation Act of 1973; and
- (o) not use, incorporate, or connect to hardware or software available for personal use by the owner or operator of the vehicle.

604.14 Service and Support Requirements

Each MTS shall operate only in combination with a single PSP that shall:

- (a) be in compliance with this Title, and with all other applicable Federal and District licensing, permitting, registration, anti-discrimination, and taxation requirements for a business operating in the District;
- (b) be in compliance with the clean hands requirements of D.C. Official Code § 47-2862 (2005 Repl. & 2011 Supp.);

- (c) either maintain a bona fide administrative office, consisting of a physical office in the District of Columbia in the same manner applicable to a taxicab company under Chapter 5 and in compliance with all laws, rules, and regulations concerning the operation of a place of business in the District, or maintain a registered agent authorized to accept service of process, provided, however, that a PSP operated by a taxicab company, fleet, or association, shall maintain a bona fide administrative office;
- (d) maintain with the Commission a Vehicle Inventory that accurately reflects the vehicles in which MTS equipment is installed and the operators authorized to use it, and that meets the following additional requirements:
 - (i) an initial inventory shall be filed with the application for review and approval of the MTS;
 - (ii) at all times after the filing of an initial inventory, each PPS shall routinely maintain its inventory to insure accuracy, through such means and at such times as required by the Commission, and shall cooperate with Commission to insure that the requirements of this Subsection are met;
 - (iii) for each vehicle, the inventory shall contain: the name of and contact information for its owner(s), including work, home, and cellular telephone numbers; the vehicle's PVIN, make, model, and year of manufacture; certification by the PSP that the vehicle is in compliance with the insurance requirements of Chapter 9 of this Title; an indication of whether the vehicle is wheelchair accessible; an indication with whether the vehicle is in active use; and, if the vehicle is associated with a taxicab company, association, or fleet, the name of and contact information for such company, association, or fleet;
 - (iv) for each operator, the inventory shall contain: the name of and contact information for such operator, including work, home, and cellular telephone numbers; his or her DCTC operator license (Face Card) number; an indication of whether such operator is actively using the MTS; and, if he or she is associated with a taxicab company, association, or fleet, the name of and contact information for such company, association, or fleet;
 - (v) the Commission may remove a vehicle or operator from the inventory at any time with reasonable notice to the PSP if such vehicle or operator is not legally authorized or permitted to operate, or if a particular MTS installation is no longer authorized or permitted; and

- (e) provide live customer service via a local “202” or toll-free telephone number answered promptly by technical support staff based in the Washington Metropolitan Area, 24 hours per day, 365 days per year;
- (f) store its business records in a safe and secure manner, and in compliance with industry best practices and applicable Federal and District law; make the records reflecting its compliance with this Chapter available for inspection and copying at the Commission within five (5) business days following its receipt of a written demand from the Commission, and by Public Vehicle Inspection Officers and Commission legal counsel during normal business hours at a bona fide administrative office, if maintained; and retain its business records for at least five (5) years;
- (g) notify the Commission promptly following its receipt of notice of a security breach as to which a report must be made pursuant to the D.C. Consumer Personal Information Security Breach Notification Act of 2006, D.C. Official Code § 28-3851, *et seq.* or applicable Federal law;
- (h) use only technology that meets OWASP security guidelines, and complies with the current standards issued by the Payment Card Industry Security Standards Council (“Council”) for payment card data security (“PCI Standards”) and applicable guidelines of the Council for other forms of cashless payment if no such standards exist, and, if the Integrated Taximeter Solution allows direct debit transactions, complies with the rules and guidelines of the National Automated Clearing House Association;
- (i) maintain a persistent data connection to the MTS equipment installed in each vehicle that shall do all of the following:
 - (i) validate the status of the operator’s DCTC operator’s license (Face Card) in real-time by connecting to the Commission’s Back Office Management Information System (“BOMIS”), to ensure the license is not revoked or suspended, and that the operator is in compliance with the insurance requirements of Chapter 9;
 - (ii) anonymously report to the Commission via a single data feed electronic trip data, which means geospatially marking the pick-up, drop-off and current taxicab location information, and capturing and transmitting to the BOMIS in a data structure consistent across all PSPs as established by the Commission, the following information:
 - (A) the date,

- (B) anonymously-reported but unique operator license (Face Card) number, PVIN, and tag number;
 - (C) the name of the taxicab company, association, or fleet if applicable;
 - (D) the time at beginning of tour of duty;
 - (E) the time and mileage of each trip;
 - (F) the time and geospatially recorded place of origin and time and geospatially recorded place of destination of each trip;
 - (G) the number of passengers and fare charged for each trip;
 - (H) the time at the end of each tour of duty
 - (I) the unique trip number;
 - (J) the itemized fare including any tolls, surcharges, and any gratuity for credit or debit purchases;
 - (K) the form of payment (Cashless Payment (including the brand of payment card), cash, voucher, or any other type of non-cash payment the PSP may choose to offer); and
- (iii) process the Passenger Surcharge, to be debited against its Surcharge Account for each trip, regardless of the payment method;
 - (iv) process each payment for each trip, regardless of the form of payment; and
- (j) maintain a Surcharge Account meeting the following requirements:
 - (i) the account shall be opened within fourteen (14) days after the MTS is initially approved by the Commission;
 - (ii) the account shall be opened with an initial deposit of five-thousand dollars (\$5,000.00), plus seven-hundred fifty dollars (\$750.00) for each vehicle on its Vehicle Inventory;
 - (iii) the PSP shall maintain with the Commission current and valid account information for a payment card, or a checking or savings account of a federally-insured financial institution to which the

Commission may post charges necessary to maintain the Surcharge Account at the levels required by this Subsection;

- (iv) the Commission shall keep each account in a federally-insured financial institution that does business in the District in a bank account containing only Surcharge Accounts and bearing interest;
- (v) the PSP shall insure that its account maintains a minimum balance of five-thousand dollars (\$5,000.00), plus five-hundred dollars (\$500.00) each vehicle on the Vehicle Inventory, as defined in this Chapter;
- (vi) the Commission shall assume that each vehicle is recording two-hundred (200) fare-paying trips per month and shall deduct from the Surcharge Account the sum of one-hundred dollars (\$100.00) at the end of each month for each vehicle on the Vehicle Inventory at that time;
- (vii) the Commission may, at any time, without advance notice but with prompt notice thereafter, deduct from the Surcharge Account any additional amount necessary to bring the PSP into compliance with this Section based on a reconciliation with the PSP's trip data, as may be conducted from time-to-time by the Commission, and the PSP may, within fifteen (15) days thereafter, request a reconsideration of such action, which shall be ruled upon by the Commission within thirty (30) days;
- (viii) the PSP may, at any time, using a form provided by the Commission, request a reconciliation of its account, if it believes the account contains more than one-hundred fifty (150) percent of the minimum balance it is required to maintain, which shall be ruled upon by the Commission within thirty (30) days; and
- (ix) any balance in an account corresponding to a particular vehicle shall be refunded to the PSP within thirty (30) days when such vehicle is no longer on the PSP's Vehicle Inventory and the entire balance of the account shall be refunded to the PSP and the account shall be closed within thirty (30) days following any decision or action by the Commission resulting in the PSP having no MTS approved by the Commission.

604.15

Review Process

- (a) An authorized representative of a PSP may submit an application for approval of one or more proposed MTS(s) by filing an application under penalty of perjury, paying the applicable fee for each MTS, and providing:

- (i) its name and contact information, and the name(s) of and contact information for its owners and operators;
 - (ii) information and documentation demonstrating that the equipment for each proposed MTS meets the System Requirements in Subsection 604.13;
 - (iii) information and documentation demonstrating that the PSP is in compliance with the Service and Support Requirements in Subsection 604.14;
 - (iv) information and documentation concerning any form of non-cash payment the PSP will offer other than Cashless Payment, such as near field device or the use of a payment card or Personal Identification Number processed via a mobile- or Web-based application;
 - (v) such other information or documentation as the Commission may require during the review process to determine that the MTS and each installation thereof will comply with and be operated in compliance with this Title, including one or more demonstration(s) of its MTS equipment;
 - (vi) a bank certification reflecting its ability to comply with the Surcharge Account initial deposit requirements;
 - (vii) its initial Vehicle Inventory;
 - (viii) a blank sample of the operating agreement the PSP uses to associate with taxicab companies, associations, fleets, and independent operators, which shall contain such terms and conditions as the PSP may require, provided, however, that the operating agreement shall not impose obligations upon taxicab companies, associations, fleets, or independent operators inconsistent with the requirements of this Title or other law applicable to public vehicles-for-hire; and
 - (ix) such other information and documentation related to establishing MPS compliance with this Section as the Commission may require at that time or subsequently during the review process.
- (b) Throughout the review process, the PSP shall bear the burden of establishing to the satisfaction of the Commission that the MTS equipment, when paired with the service and support of the PSP, meets all the requirements of Subsections 604.13 and 604.14.

- (c) The Commission shall complete its review and issue its decision approving or rejecting each MTS within twenty-one (21) days, provided however, that such period may be extended by the Commission for no more than ten (10) additional days at the Commission's request, and that the Commission shall not be required to have pending at any one time applications for review and approval of more than six (6) MTS systems (without regard to the number of applications) and may hold in abeyance its review of any applications over this number for such time as is necessary in order to stay within this limit.
- (d) An applicant shall cooperate with Commission staff throughout the review process, including at a scheduled demonstration of its MTS equipment. An application may be rejected by the Commission if the applicant does not cooperate in a timely and reasonable manner at the demonstration(s) or at any other point in the review process. The Commission shall deny an application that contains or as to which materially false information is provided orally or in writing in order to induce approval.
- (e) An applicant shall be scheduled by the Commission for one (1) demonstration of its MTS equipment, where the Commission's technical staff shall have the opportunity to examine and test the equipment and ask questions of the PSP's technical staff, who shall attend the demonstration. An applicant shall be given the opportunity for one (1) additional demonstration upon a showing of good cause, or if required by the Commission.
- (f) An approval of an MTS shall continue in effect for twelve (12) months, during which time no substantial change may be made without written approval from the Commission. A PSP shall promptly inform the Commission of a proposed substantial change that would require written approval.
- (g) Each approved MTS shall be listed on the Commission's Website promptly following approval and shall remain listed until such approval is no longer effective.
- (h) Each approved MTS shall be submitted for re-approval at least sixty (60) days prior to the expiration of the approval, unless the Commission provides otherwise in writing. Re-approval shall require compliance with the procedures in this Subsection for an approval of a new MTS, except to the extent the Commission does not so require. An approval shall continue in force and effect beyond its expiration period during such time as an application for re-approval is pending in proper form.

- (i) Approval of an MTS may be suspended or revoked at any time by the Commission with reasonable advance notice under the circumstances to the PSP if the Commission acquires information that the MTS or the owners or operators using it are not in substantial compliance with this Title or other law, rule, or regulation applicable to the taxicabs, provided however, that the approval of an MTS may be suspended immediately by the Chairman without advance notice but with prompt notice thereafter if the Commission acquires information that the MTS or the vehicles owners or operators using it are in such non-compliance with this Title or other law, rule, or regulation applicable to taxicabs so as to pose a significant threat to consumer protection or public safety.
- (j) If the Commission denies an application for approval of an MTS on any ground, it shall state the reasons for its decision in writing. A denial shall be based on a full and fair consideration of all information and documentation presented by the Applicant, including the demonstration(s) of the equipment.
- (k) A denial of an application may be appealed to the Chairman within fifteen (15) business days, and, otherwise, shall constitute a final decision of the Commission. The Chairman shall issue a decision on an appeal within thirty (30) days. A timely appeal of a denial shall extend an MTS's existing approval pending the Chairman's decision on the appeal. A decision of the Chairman to affirm or reverse a denial shall constitute a final decision of the Commission. A decision of the Chairman to remand a denial pending further review of the MTS shall extend an MTS's existing approval pending the final decision of the Commission.

604.16 Installation Requirements

- (a) The MTS equipment installed in a particular vehicle shall be certified in a meter calibration report issued by an Authorized MTS Installation Business as meeting all the applicable requirements of this Section, including integrating with or replacing the vehicle's taximeter.
- (b) Each owner and operator shall be responsible for making arrangements to obtain a Commission-approved MTS, to obtain any necessary training on the use of the equipment, to have the equipment installed, and to have the installation certified for each vehicle by an Authorized MTS Installation Business, no later than the Implementation Deadline.
- (c) Each vehicle's MTS installation shall be tested by an Authorized MTS Installation Business as part of the periodic vehicle inspection required in this Title for such vehicle.

604.17 Prohibitions

- (a) No person may operate a taxicab on or after the Implementation Date that is not equipped with and operated exclusively using a properly-functioning, Commission-approved MTS, installed by an Authorized MTS Installation Business, and collecting the Passenger Surcharge for each trip.
- (b) A vehicle owner or operator shall not knowingly operate a vehicle with an MTS as to which the Commission's approval has been suspended, revoked, or not renewed.
- (c) No person other than a PSP approved by the Commission in connection with an MTS may provide to a District taxicab company, association, fleet, or independent operator any taxicab meter or payment services.
- (d) No PSP may associate with a taxicab owner or operator where it knows or reasonably should know that such owner or operator is operating in violation of this Title or other law or regulation applicable to public vehicles-for-hire.
- (e) No PSP may process a taxicab fare or charge that is not authorized under this Title, regardless of payment method, including without limitation, any dispatch fee in excess of two-dollars (\$2.00) per trip, a gratuity where the passenger does not wish to pay a gratuity, a gratuity of an amount other than that which the passenger wishes to pay, and any demand or surge pricing.
- (f) No PSP may provide services for an MTS except based on and in compliance with a written operating agreement between such PSP and each taxicab company, association, fleet or independent operator, a blank sample of which has been provided to the Commission.
- (g) No vehicle operator and PSP may associate with one another if, on the effective date of this Section, such operator is associated with a taxicab company that provides a central dispatch service, as required by Section 20l of the Act, unless, prior to associating, such taxicab company provides its written consent to the association in writing.
- (h) No PSP may alter or attempt to alter through agreement with any person, including by a "user agreement" with passengers, its legal obligations under this Title.
- (i) No PSP shall fail to cooperate in a timely manner with law enforcement officials, public vehicle enforcement officers, and other representatives and counsel of the Commission in the enforcement and application of this Title, including by failing to respond fully and completely to all questions, communications, notices, directives, and summonses.

- (j) No person may receive payment for a trip in a taxicab if the vehicle or the operator is not on the Vehicle Inventory at the time of the first event leading to the trip, such as when a dispatch begins or a street hail occurs.
- (k) No operator may pick up or transport a passenger if the MTS printer component is not functioning properly and in compliance with this Title.
- (l) No owner or operator may alter or tamper a component of the MTS or make any change in the vehicle that prevents the MTS from operating in conformity with the approval granted by the Commission.
- (m) No operator may operate a taxicab in which the MTS has been tampered with, broken, or altered. The operation of a taxicab with a tampered, broken, or altered MTS shall give rise to a rebuttable presumption that the operator knew of the tampering, breaking, or alteration.
- (n) No owner or operator may place tires or wheels of a different size, or off-size tires, on a taxicab without re-certification of the MTS.
- (o) No owner or operator may operate a taxicab with tires inflated other than within the range specified by the manufacturer.
- (p) No taxicab may be equipped with more than one MTS, except where expressly approved in writing by the Commission.

604.18

Penalties

- (a) Each violation of this Section by a taxicab company, association, fleet, or independent owner, by a person acting on behalf of a taxicab company, association, fleet, or independent owner, or by a taxicab operator, shall subject the violator to:
 - (i) the fines set forth in §§ 604.19 and 825 of this Title, including a fine of fifty dollars (\$50) for each day or fraction thereof on which a vehicle was operated without collecting the Passenger Surcharge;
 - (ii) license (Face Card) suspension, revocation, or non-renewal of the operator or suspension, revocation, or non-renewal of the company, association, or fleet Certificate of Operating Authority;
 - (iii) impoundment of each vehicle found to be operating with an MTS the approval of which has been suspended, revoked, or not renewed, pursuant to the provisions of the Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992, effective March 16,

1993 (D.C. Law 9-199; D.C. Official Code § 50-331) (2011 Supp.);

- (iv) confiscation of any MTS equipment being used in violation of this Section; or
 - (v) a combination of the sanctions listed in this Paragraph.
- (b) Each violation of this section by a PSP, or by a person acting on a PSP's behalf, shall be subject the violator to:
 - (i) the fines set forth in § 604.19 of this Title, including a fine of two-hundred fifty dollars (\$250) for each day or fraction thereof on which a vehicle equipped with the PSP's MTS was operated without collecting the Passenger Surcharge;
 - (ii) suspension, revocation, or non-renewal of the approval of the MTS(s) associated with the PSP; or
 - (iii) impoundment of each vehicle found to be operating with an MTS the approval of which has been suspended, revoked, or not renewed, pursuant to the provisions of the Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992, effective March 16, 1993 (D.C. Law 9-199; D.C. Official Code § 50-331) (2011 Supp.);
 - (iv) confiscation of any MTS equipment being used in violation of this Section; or
 - (v) a combination of the sanctions listed in this Paragraph.
- (c) The penalties prescribed in parts (a) and (b) of this Subsection shall apply to any person who, at the time of prescribed conduct, lacks legal authority (including licensing, approval, or certification from the Commission or any other government agency), and engages in such conduct with intent to induce any other person to believe he or she has legal authority or with reckless disregard as to whether he or she has legal authority.
- (d) The Commission may recommend to any other government agency the suspension or revocation of any license or privilege to do business in the District of Columbia for failure to comply with this Section, including any penalty imposed by the Commission.
- (e) Any person or entity may appeal a penalty issued under this Section to the Office of Administrative Hearings, except that actions to suspend or revoke the approval of an MTS under Subsection 604.15(i) (based on a

significant threat to consumer protection or public safety) shall be heard within three (3) days by the Chairman and thereafter appealable as provided by law.

604.19 Table of Penalties and Fines

Section	Penalty
604.1; 604.2	Failure to have Commission-approved MTS after implementation date \$2,500 and impoundment
604.1(a)	Operating without MTS \$2,500 and impoundment
604.1(b)	Company permitting operation without MTS (company vehicle in operation without MTS) \$2,500 and impoundment
604.1(a); 604.12; 604.17	Non-functioning equipment (MTS is not fully functional) \$1,000 and impoundment
604.1(a)	Unauthorized equipment (MTS is not Commission-approved) \$2,500 and impoundment
604.1(b)	Company failure to ensure Commission-approved MTS in all company vehicles by implementation date \$2,500 and impoundment
604.1; 604.2	Failure to have Commission-approved MTS after implementation date \$2,500 and impoundment
604.2; 604.16	Failure to have MTS installed by an Authorized MTS Installation Business \$2,500 and impoundment
604.12(m)	Unauthorized MTS advertising \$1,000
604.13(a);(b))	Unlicensed business activity \$250
604.13(c)	Failure to maintain a bona fide Revocation of

	administrative office or registered agent	MTS approval if not cured within 15 days
604.13(d)	Failure to maintain accurate vehicle inventory	\$1,000
604.13(e)	Failure to provide live customer service	\$500
604.13(f)	Failure to properly store records	\$100 per record
604.13(f)	Failure to allow inspection and/or copying of requested records	\$250 per record
604.13(g)	Failure to notify the Commission of a security breach requiring a report	\$1,000
604.13(h)	Failure to maintain compliance with PCI or NACH standards	\$1,000
604.13(h)	Failure to use technology that meets OWASP security guidelines	\$1,000
604.13(i)(i)	Failure to validate operator status	\$2,000
604.13(i)(ii)	Failure to remit trip data	\$2,000
604.13(i)(iii)	Failure to process and remit surcharge	\$5,000
604.17(b)	Associating with a non- compliant owner or operator	\$1,000
604.17(c)	Unauthorized fare or charge	\$100
604.17(d)	Provision of MTS service without written agreement	\$500
604.17(e)	Associating with operator that is associated with a taxicab company with central dispatch service	\$2,000
604.17(h)	Failure to cooperate with	\$2,000

commission and/or Commission
personnel

604.17(l)	Tampering or altering MTS	\$1,000
604.17(m)	Operating with tampered, altered or broken MTS	\$2,500 and impoundment
604.17(n)	Tire(s) or wheel(s) without MTS re-certification	\$750

Copies of the proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Jacques P. Lerner, General Counsel, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Jacques P. Lerner, General Counsel, no later than thirty (30) days after the publication of this notice in the *D.C Register*.